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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,270	04/01/2004	Yoshinori Okumura	250738US2CONT	8477
22850	7590	03/31/2005		EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PHAM, THANHHA S	
			ART UNIT	PAPER NUMBER
			2813	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/814,270	OKUMURA ET AL.
	Examiner	Art Unit
	Thanhha Pham	2813

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 05 January 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

This Office Action is in response to Applicant's Amendment dated 01/05/2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner et al. [U.S. Pat. 5,882,973].

- With respect to claims 1, 4, and 7, Gardner et al. (fig. 7, cols. 5-8) discloses a semiconductor device, comprising:
 - a semiconductor substrate (10);
 - a first transistor which includes a first gate electrode (18a) which is formed on said semiconductor substrate (10), a first sidewall insulating film (28b) which is formed on a side of said first gate electrode (18a) on said semiconductor substrate (10) and first source/drain active layers (42) which are formed in said semiconductor substrate (10) next to the first gate electrode (18a) and in electrical communication with first contacts (50) (col. 8, lines 11-19); and
 - a second transistor which includes a second gate electrode (18b) which is formed on said semiconductor substrate (10), a second sidewall insulating film (28b,

34b) which is formed on a side of said second gate electrode (18b) on said semiconductor substrate (10) and second source/drain active layers (42) which are formed in said semiconductor substrate (10) at a distance from the second gate electrode greater than a distance of the first source/drain active layers (42) from the first gate electrode (18a) and in electrical communication with second (50) (col. 8, lines 11-19), wherein

layers of insulating film which compose said second sidewall insulating film (28b, 34b) are more in number than layers of insulating film which compose said first sidewall insulating film (28b), and accordingly, a width of said second sidewall insulating film (28b, 34b) in a channel direction of said second transistor is larger than a width of said first sidewall insulating film (28b) in a channel direction of said first transistor.

- ▶ With respect to claims 2, 5, and 8, Gardner et al. (fig. 7, cols. 5-8) discloses that the first sidewall insulating film (28b) includes a silicon nitride film (col. 6, lines 21-22), and said second sidewall insulating film (28b, 34b) includes a silicon nitride film (28b) and a silicon oxide film (34b) (col. 6, lines 40-44).
- ▶ With respect to claims 3, 6, and 9, Gardner et al. (not shown in the figure) further discloses that an interlayer insulating film provided on the substrate, the first transistor, and the second transistor, the interlayer insulating film including contact holes configured to receive the first contacts and the second contacts, the first contacts and the second contacts each including a contact plug and a colmecting film provided in the contact holes; and a contact active layer provided in electrical communication with the

first source/drain active layers at a position corresponding to one of the first contacts (col. 8, lines 11-19).

- ▶ With respect to claims 10, 11, and 12, Gardner et al. (fig. 7) discloses that the second source/drain active layer (42) do not extend beneath the second gate electrode (18b).

Response to Arguments

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

3. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhha Pham whose telephone number is (571) 272-1696. The examiner can normally be reached on Monday and Thursday 9:00AM - 9:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead can be reached on (571) 272-1702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanhha Pham



CARL WHITEHEAD, JR.
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